

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

HIS TABERNACLE FAMILY CHURCH,
INC. and MICHEAL SPENCER,

Plaintiffs,

v.

STEVEN A. NIGRELLI, Acting
Superintendent of the New York State
Police, in his official and individual
capacities; WEEDEN A. WETMORE,
District Attorney for the County of
Chemung, New York, in his official and
individual capacities; and MATTHEW
VAN HOUTEN, District Attorney for the
County of Tompkins, New York, in his
official and individual capacities,

Defendants.

Case No. 6:22-cv-06486

NOTICE OF AND MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a) and the Local Rules of this District, Plaintiffs Micheal Spencer and His Tabernacle Church, Inc. (the “Church”) move this Court for a Preliminary Injunction barring Defendants, in their official capacities, as well as their officers, agents, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of the Order, from implementing or enforcing S51001, codified at N.Y. Penal Law §265.01-e, against Pastor Spencer, the Church, its members, or their agents and licensees.

This Motion is based upon all the files, records, and proceedings herein, including the accompanying memorandum of law and supporting declarations. Plaintiffs request that the Court require no security because Defendants will suffer no injury from the issuance of a preliminary injunction.

Dated: November 8, 2022

Respectfully submitted,

DAVID J. HACKER
JEREMY DYS*
KEISHA RUSSELL
RYAN GARDNER*
FIRST LIBERTY INSTITUTE
2001 West Plano Parkway
Suite 1600
Plano, TX 75075
(972) 941-4444

JORDAN E. PRATT*
FIRST LIBERTY INSTITUTE
227 Pennsylvania Avenue S.E.
Washington, D.C. 20003
(972) 941-4444

/s/ Anjan K. Ganguly
ANJAN K. GANGULY
GANGULY BROTHERS, PLLC
140 Allens Creek Road
Suite 220
Rochester, NY 14618
(585) 232-7747

ERIN E. MURPHY*
ANDREW C. LAWRENCE*
TREVOR W. EZELL*
NICHOLAS M. GALLAGHER*
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900

*Applications for admission *pro hac vice*
pending.

Counsel for Plaintiffs